HOUSING JUSTICE NETWORK

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Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Docket No. FR-5453-P-01, "Public Housing and Section 8 Programs: Housing Choice Voucher Program: Streamlining the Portability Process"— Comments on Proposed Rule published at 77 Fed. Reg. 18,731 (Mar. 28, 2012)

Dear Regulations Division, Office of General Counsel, HUD:

The following comments are submitted on behalf of the Housing Justice Network (HJN) regarding the proposed rule published on March 28, 2012, regarding streamlining of portability procedures for the Section 8 Housing Choice Voucher Program (HCVP). HJN is a coalition of legal services and housing advocates who are committed to protecting affordable housing and housing rights for low-income families and individuals nationwide.

Our comments address the following areas: (1) We support many of the proposed regulatory amendments and have suggestions for strengthening others; (2) We encourage HUD to prohibit receiving PHAs from rescreening porting families' criminal history; (3) We recommend that HUD issue further guidance regarding information that should be provided to families in the HCVP; (4) We propose that HUD provide guidance requiring receiving PHAs to honor reasonable accommodations granted by the initial PHA; and (5) We offer several additional suggestions for improving portability in the HCVP.

1. Several of the Proposed Regulatory Amendments Would Be Beneficial for Porting Families

We appreciate HUD's efforts to improve the portability process, and we believe that several of the proposed regulatory amendments will remove barriers that families face in porting their vouchers. We discuss several of the proposed amendments below.

§ 982.4 Definition of suspension

We support HUD's revision of the definition of "suspension" to require PHAs to stop the clock on a voucher once a request for tenancy approval has been submitted. This language will increase the likelihood that families will successfully port during their voucher terms. The change will make PHA policies on this issue more consistent. We believe that this language could be further improved by

clarifying that the voucher term should remain suspended while the PHA and owner negotiate rent levels, repairs, etc. Accordingly, we suggest adding the following language at the end of the definition of "Suspension": "In the event that a PHA would approve the request if the owner takes certain action (for example, accepts the PHA's proposal of a lower contract rent, or submits a reduced contract rent that is acceptable to the PHA, or makes certain repairs necessary to meet housing quality standards), the request should not be considered to be denied until either the owner fails to satisfy those conditions within the reasonable time period set by the PHA, or the owner withdraws the request."

§ 982.303(c) Term of voucher: Suspension of term

We support HUD's proposal to require PHAs to suspend the term of the voucher from the date a family submits a request for tenancy approval. As discussed above, HUD should make clear that the clock remains stopped during any period in which the owner and PHA are still engaged in negotiations regarding the contract rent or repairs needed for approval.

§ 982.354(e) When PHA may deny permission to move

We support HUD's proposal to require PHAs to provide written notification to HUD upon determining that it is necessary to deny a portability move due to insufficient funding. This requirement would help ensure that PHAs have undertaken the necessary financial analysis before denying moves to higher-cost units. The proposed rule should specify that the PHA must provide the written notification to HUD *before* the PHA can deny portability, in case HUD disagrees with the PHA's financial analysis. Further, the PHA's written notice to HUD that it plans to deny portability should toll the porting family's voucher term while HUD assesses whether the planned denial is appropriate. Ideally, HUD should specify the timeframe in which a PHA must submit notice to HUD regarding its intent to deny a portability request, as well as the timeframe in which HUD will respond to the PHA's written notice.

§ 982.355 Portability: Administration by initial and receiving PHA

We support HUD's efforts to make clear that a receiving PHA may not refuse to assist incoming portable families and must have written approval from HUD before refusing any incoming families. HUD's proposed rule states that it may determine that a PHA is not required to accept incoming families in certain instances, such as a PHA in a declared disaster area. It would be helpful for PHAs, families, and advocates if HUD could specify any of the other limited circumstances in which a PHA may not be required to accept incoming families.

We agree with HUD's proposal at 24 C.F.R. § 982.355(c)(14) requiring receiving PHAs to provide an additional 30 days on the voucher term to accommodate the time the family needs to attend a briefing session and locate a unit. We encourage HUD to add language to the regulation making clear that receiving PHAs may choose to issue vouchers with more than the additional 30 days of search time. This may be more efficient than forcing families to seek extensions of the voucher term from the receiving PHA, especially in jurisdictions with tight rental markets where the PHA anticipates that the family will need an extended period of time.

We concur with HUD's proposal at 24 C.F.R. § 982.355(d)(4) to require PHAs that are using less than 95 percent of their budget authority and have a leasing rate of less than 95 percent to absorb incoming portable families. We believe that this provision would reduce costs, simplify the portability process in many instances, and encourage PHAs to utilize their vouchers fully. For

example, some families use portability to leave poorer urban centers or rural areas and relocate to suburban areas with better job opportunities. Requiring the suburban PHA to absorb the voucher would make more vouchers available to more low-income families living in lower opportunity neighborhoods. Requiring absorption also would likely prompt predominantly receiving agencies to be more effective in using their funds.

Additionally, we support the proposal at 24 C.F.R. § 982.355(c)(4) to require PHAs to communicate via email or other confirmed delivery method, and the proposal at 24 C.F.R. § 982.355(c)(5) to bar a receiving PHA from reversing its decision to absorb a porting family's voucher without the initial PHA's consent. However, these provisions should not be solely dependent upon an agreement between PHAs. Rather, PHAs also should consider the family's preferences, the impact the PHAs' actions may have upon the family, and the steps that the PHAs should take to avoid harm to the family.

2. HUD Should Prohibit Receiving PHAs from Rescreening Porting Families' Criminal History or, If Rescreening is Permitted, Adopt Uniform Standards for Porting Families

a. No screening by the receiving PHA

We strongly urge HUD to prohibit receiving PHAs from re-screening program participants who are seeking to port their vouchers. HUD should adhere to the statute and implementing regulations, which prohibit receiving PHAs from conducting elective screening of current participants.[1] More recent policies set forth in PIH Notices are inconsistent with published rules and should be reversed.[2] A more complete explanation of these policies and rules and how they developed is set forth in the comments submitted by the Center on Budget and Policy Priorities, which we incorporate by reference hereto.

Rescreening presents a significant barrier for participants with vouchers who are trying to relocate to areas that offer greater opportunities. Sometimes, voucher holders start the porting process only to find that their voucher has been jeopardized when a receiving PHA applies stricter screening criteria than the initial PHA. Other times, voucher holders who would otherwise move become immobilized by the possibility of losing their vouchers in such an economically precarious time. By obstructing the mobility of voucher holders' assistance, rescreening tarnishes the hallmark of the Housing Choice Voucher program.

A receiving PHA should not be able to interfere with a port by second-guessing the initial PHA's judgment and terminating a family's voucher. Under current practices, some families port the voucher, move into a unit while the PHA conducts a criminal background check and the informal review process, and then lose the voucher if the PHA decides to terminate the family's voucher. Delays caused by the screening process place families in administrative limbo as they settle in, but then lose their subsidies for actions that did not present a problem in the initial PHA. Some families are unaware of the risks, and few are given the opportunity to return to the initial PHA. To restore true mobility of assistance, HUD must prohibit elective rescreening by receiving PHAs. With regard

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[1] 42 U.S.C. § 1437f(o)(6)(B); 24 C.F.R. § 982.307(a)(1); 64 Fed. Reg. 49.656, 49,657 (Sept. 14, 1999); 64 Fed. Reg. 56,894 (Oct. 21, 1999).

[2] See PIH Notice 2004-12, *Housing Choice Voucher Portability Procedures and Corrective Actions - Revision of Family Portability Information, Form HUD-52665* (July 19, 20004) ¶ 6; PIH Notice 2008-43, *Housing Choice Voucher Portability Procedures and Corrective Actions* (Dec. 3, 2008) ¶ 7 and PIH Notice 2011-3, *Housing Choice Voucher Family Moves with Continued Assistance* (Jan. 19, 2011) ¶ 7.

to criminal history prior to lease-up in the receiving jurisdiction, the rules should specify that receiving PHAs are allowed to review the criminal history of a porting participant only for the period between tenancies due to the portability move, and only for conduct that constitutes mandatory grounds for termination under federal law.

While PHAs may have concerns regarding a prohibition against rescreening, the fact that a receiving PHA cannot screen an incoming family does not mean that the family is automatically accepted into the community. Owners in the jurisdiction to which the family moves may screen applicants and use, as many do, landlord screening agencies. Such landlord screening is consistent with another objective of the voucher program, which is to rely on the private market.

Although it is tempting to say that standardized screening will solve this problem, the way HUD has set up criminal records policies in the Housing Choice Voucher program has made this impossible. HUD has given PHAs so much discretion in developing their screening policies that these policies vary greatly, sometimes even between housing authorities in a city and its county. Even where written policies are similar, PHAs often apply the same language differently, making it difficult for participants to know when criminal history will fall under prohibited activity. Moreover, without restrictions, some PHAs treat a porting family as a new applicant and seek to terminate assistance for poor credit or for other reasons that would not lead to the termination of the voucher but for the porting. Families in the HCVP deserve to have the full benefits of their vouchers, including the ability to move to areas that will provide them with the most opportunity to move out of poverty. For this reason, screening for portability purposes must end. This is the preferred way to standardize the policies for portability moves.

b. In the alternative, standardized screening for all receiving PHAs

Should HUD decide to allow rescreening by receiving PHAs, we strongly urge that HUD set uniform, concrete guidelines on re-screenings. As noted above, PHAs have significantly different criteria, and many rely on vague standards that provide little notice to voucher holders about the PHA's actual treatment of criminal history. Short of eliminating screening altogether, the only way to address this problem is to implement a standard screening policy for all Housing Choice Vouchers and voucher holders trying to port in from other communities.

At the very least, HUD should establish some minimum standards that clarify current standards, which are often vague. HUD may do so by: (1) adopting bright-line rules; (2) limiting the types of criminal offenses considered; (3) setting a definite lookback period; (4) requiring consideration of mitigating circumstances; and (5) mandating procedures to ensure accuracy and relevance of criminal records.[3]

i. Adopt bright-line rules

HUD needs to limit the issues that the receiving PHA may consider. The only factors that a receiving PHA could consider would be those listed in 24 C.F.R. § 982.551(l) and 24 C.F.R. § 982.553(b). In other words, the receiving PHA could not consider elective screening policies that do not apply to participants. The most efficient way to accomplish this is by bright-line rules. We

[3] The EEOC recently released a policy guidance to employers on the use of criminal records in employment under Title VII of the Civil Rights Act of 1964. In the policy guidance, the EEOC advises employers to use similar factors to those we have listed here. Since the Fair Housing Act and Title VII both feature the same language prohibiting racial discrimination, it follows that for PHAs to conduct screening in compliance with the FHA, they should adopt these factors in their criminal records policies as well.

suggest that HUD prohibit receiving PHAs from considering (1) non-convictions, including convictions that have been sealed, expunged or otherwise set aside as a matter of law; (2) juvenile records; and (3) records that resulted from acts of domestic violence, dating violence, sexual violence, or stalking against the subject of the record. HUD also should prohibit PHAs from considering crimes based on homelessness.[4]

Non-convictions include arrests, charges, and any other contact with the criminal justice system that either resulted in a dismissal or acquittal. Screening for these non-convictions is problematic because they are not reliable indicators of whether criminal activity occurred. In addition, a policy that considers non-convictions will disparately impact racial minorities, who are arrested at disproportionately higher rates. The Equal Employment Opportunity Commission has noted, for example, that African-Americans and Latinos "are arrested at a rate 2 to 3 times their proportion of the general population." This unjustified racial disparity led the Equal Employment Opportunity Commission (EEOC) last month to reaffirm its longstanding position that the use of arrest records in employment decisions is suspect under Title VII of the Civil Rights Act. There is no reason why this practice should not be similarly suspect under Title VIII.[5]

Juvenile records also should be excluded. Most states require confidentiality of these records, and PHAs' use of these records to terminate housing benefits is contrary to public policy. Finally, criminal records that befall survivors of domestic violence, dating violence, sexual violence, or stalking should not be a factor, as many survivors of abuse have been mistakenly arrested for crimes they did not commit or for actions related to self-defense.

ii. Limit the types of criminal offenses considered

In addition to these bright-line rules, HUD should limit consideration to serious crimes, such as drug trafficking, unauthorized use of weapons, and violence, that directly threaten the health and safety of other people. Allowing receiving PHAs to screen for minor crimes that have no bearing on others' health and safety is both unfair to voucher holders and a waste of PHAs' limited administrative resources. A crime's seriousness cannot simply be determined by its categorization as either a misdemeanor or felony, because jurisdictions vary significantly on how they treat crimes.

iii. Set a definite lookback period

Lookback periods are one area where PHAs vary greatly and where uncertainty reigns. Voucher holders would benefit significantly if HUD were to set a definite lookback period. We suggest limiting a receiving PHA's consideration to criminal history that has taken place since the family became a voucher participant or during the prior three (3) years, whichever is shorter.

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[4] As the U.S. Interagency Council on Homelessness explains, "many communities implement local measures that criminalize 'acts of living' laws that prohibit sleeping, eating, sitting, or panhandling in public spaces, acts which generally are applicable to people who do not have a permanent place to call home, and by their very nature criminalize homelessness." http://www.usich.gov/issue/alternatives_to_criminalizationhttp://www.usich.gov/issue/alternatives_to_ criminalization.

[5] EEOC, Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Apr. 25, 2012), http://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf

iv. Require mitigating circumstances with particular weight on a voucher holder's history of compliance in the voucher program

Even if HUD implements all of the suggestions above, receiving PHAs still will have discretion to deny ports or terminate vouchers based on criminal history. To ensure that this discretion does not result in automatic denials or terminations, we strongly urge that HUD mandate receiving PHAs to consider the voucher holder's mitigating circumstances, as it requires for public housing admissions. Substantial weight should be accorded to the voucher holder's history of participation in the Housing Choice Voucher program, since this may show a person's ability to be a good tenant in the program despite having a criminal record.

v. Mandate procedures to ensure relevance and accuracy of criminal records

To ensure that criminal records are relevant and accurate, HUD should adopt the same procedures used in the public housing program for the voucher program. These procedures include giving the voucher holder a copy of his or her criminal background check as well as the opportunity to correct any inaccuracies. Also, since many PHAs rely on commercial criminal background checks, HUD should ensure that PHAs provide contact information for these companies to the voucher holder. This information is required under the Fair Credit Reporting Act, largely because it gives applicants and participants the ability to contact these companies about the fairly common errors that these reports contain. In addition to revealing contact information, PHAs that use these services also should make public the screening criteria they give the companies to evaluate participants. Without this information, participants will be less equipped to challenge the relevancy of their criminal record to their tenancy.

vi. Prohibit receiving PHAs from reversing screening decisions made by initial PHAs

Finally, to preserve the integrity of this uniform screening system, receiving PHAs should not be able to second-guess the screening judgment of initial PHAs regarding a person's criminal background. Therefore, if the initial PHA evaluated and admitted a person in spite of her past criminal history, HUD should ensure that this criminal history does not later factor into the receiving PHA's decision to terminate the voucher. A person's participation in the HCVP should not hinge on the particular PHA that administers her voucher.

3. HUD Should Issue Further Guidance Regarding Information that Should Be Provided to Families in the HCVP

HUD has requested comments on the types of information that PHAs should provide to families once they have been admitted to the HCVP or after they have requested to port. As we discuss below, there are many resources that PHAs could share with families that would improve their ability to move to communities of opportunity. We encourage HUD to develop an online system where PHAs can share this information with each other and with voucher participants, particularly on a regional basis.

Families should receive information regarding resources in the community that may assist them with their housing search. Where available, PHAs should be required to provide families with a list of agencies in the community that can assist them in searching for housing; a list of online resources (including mapping resources) that can assist families in locating housing; and a list of LIHTC and HOME-funded properties. These are properties where tenants with Section 8 vouchers should be able

to secure vacant units, given federal prohibitions on Section 8 discrimination. *See* 26 U.S.C. § 42(h)(6)(B)(iv); 42 U.S.C. § 12745(a)(1)(D). This information should be provided as part of the briefing packet and at the time the family requests portability. PHAs should be encouraged to share this information with other PHAs in the region and to post this information on their websites.

In addition, we encourage HUD to remind PHAs that vouchers may be used by porting tenants with disabilities in shared housing (Notice PIH 2005-5, 2-1-05). For tenants with disabilities generally and for tenants porting Special Purpose Housing Choice Vouchers for Non-Elderly Disabled Families (NED vouchers), we also encourage HUD to remind the receiving PHAs that the Department expects them to establish relationships with state and local agencies. These agencies will be able to expand PHAs' resources with additional housing search assistance, as well as moving expenses, security deposits, and prior tenant utility bills and utility deposits. *See* Notice PIH 2011-32 (6-14-11).

We are concerned that in some jurisdictions, the requirement that PHAs maintain a list of landlords who may be willing to rent to voucher holders may result in families being steered to areas with high concentrations of poverty. This is because many PHAs do not analyze their lists to ensure that they are not primarily comprised of rentals located in areas of high-poverty concentration. On the other hand, we recognize that a PHA-maintained list may be extremely helpful to voucher participants who are newly seeking housing in an area and may not be aware of local housing opportunities. We strongly support voluntary collaborations between PHAs and real estate professionals that may enhance opportunity and choice. If a PHA maintains such a list, the PHA should be required to assess whether the list contains a reasonable share of rental opportunities in areas with lower concentrations of poverty and diverse racial composition.

In addition to housing search resources, families should have ready access to information that could impact their decision on where to live. PHAs should be required to post on their websites and make available at HUD's regional offices information regarding their local policies that may affect a family's decision to move to the PHA's jurisdiction. This includes information on payment standards, utility allowances, unit size standards, and their Section 8 Administrative Plans. Each PHA may have different standards and these may make practical differences about whether a participant can lease up in a particular area with a particular PHA. Further, PHAs should refer families to agencies and online resources that can help them research crime rates and school performance in a particular jurisdiction.

Related to this discussion, we support allowing families to select the receiving PHA in cases where there is more than one PHA in the family's desired location. As discussed above, local PHA policies and programs may affect each family's decision on where to live. Families should have an opportunity to weigh these factors and select the PHA that best fits their needs.

Families may be more likely to move to communities of opportunity if they regularly receive information regarding their right to portability. PHAs should be required to remind families at their annual recertifications that they have the right to move with their vouchers. PHAs also should include in their briefings information about the Violence Against Women Act (VAWA) exception to the bar on relocation during the first year of the lease. Further, after the initial lease term, families should be permitted to end a lease if necessary to exercise their right to portability.

Finally, all of the information discussed above should be accessible to people with disabilities and limited English proficiency.

4. Receiving PHAs Must Honor Reasonable Accommodations Granted by the Initial PHA

HUD's portability regulations should make clear that receiving PHAs must honor reasonable accommodations granted by the initial PHA. Reasonable accommodations are an essential element of the disability rights laws and have enabled individuals with mental and physical disabilities to obtain and remain in affordable, integrated, mainstream housing. They are not, however, the subject of substantive eligibility determinations. Reasonable accommodation issues come into play only when some part of the housing process or the housing itself requires a modification to make the housing opportunity equally available to the particular disabled tenant. Accommodations are properly questions of process and occupancy, not eligibility.

The processing of reasonable accommodation requests varies considerably from PHA to PHA. Because each request is individual and must be decided in the specific context in which it is made, there are significant opportunities for subjective decision-making and bias. Civil rights laws and HUD's civil rights regulations are meant to be applied consistently throughout the country. A final rule that the receiving PHA has no authority to second-guess a reasonable accommodation approved by the initial PHA will promote that goal.

Since Section 504 of the Rehabilitation Act of 1973 introduced reasonable accommodations into subsidized housing programs, PHAs have learned that their administration sometimes absorbs considerable staff time. Each application must focus on the particular needs of the requesting tenant in the context of the particular housing action. For example, a reasonable accommodation request for additional time to find a structurally accessible apartment requires different assertions and review than a reasonable accommodation requesting a larger bedroom size to accommodate medical equipment. If HUD's goal is to increase administrative efficiencies through this proposed rule, it would be counter-productive to allow PHAs to redetermine reasonable accommodations.

5. HUD Should Consider Amendments to the Portability Regulations Beyond Those Suggested in the Proposed Rule

We have additional suggestions for improving the portability regulations beyond the amendments discussed in the proposed rule. These are discussed in detail below.

(a) Making Transitions Seamless and Avoiding Homelessness and Hardship: In many cases, a Section 8 voucher participant may not know if generalized housing search efforts in a community or particular prospective tenancies will work out. Nonetheless, some PHAs require that before the participant can look for a unit, the participant must give a notice terminating her existing tenancy. This has several negative consequences for all concerned: (a) subsidy payments end after the notice period; (b) the existing owner can evict without good cause after the notice period; and (c) if the proposed unit doesn't come through, the participant is at risk of being left "high and dry," subject to eviction, homelessness, potential liability for the full contract rent in the existing unit, and possible disqualification. An extreme example of this is illustrated in the case of *Jackson v. Jacobs*, 971 F. Supp. 560 (N.D. Ga. 1997). There, the tenant who wanted to move out of state was required to give a notice of intent to leave before she could search with a voucher. She was unable to find appropriate housing in the new location. In the meantime, subsidy payments were halted at her existing apartment and she was evicted for nonpayment of rent. The PHA then moved to terminate her assistance for breach of lease (nonpayment of rent), even though the unpaid rent was the subsidy that was not paid by the PHA.

We understand that HUD wants to ensure that there is no "double subsidy," and owners need to plan for vacancies so they can secure new tenants. However, delays are inherent in the relocation and portability process. Tenants should be able to look without giving a definitive 30-day notice of intent to vacate—or they should be able to make the notice of intent conditional upon having a unit that receives PHA approval (i.e., the owner is willing to rent the unit for a rent that is within HUD and PHA standards and the unit meets HQS requirements). If the process takes longer, subsidy payments should continue as they normally would under 24 C.F.R. § 982.311(b) where an owner gives a notice to vacate, but it takes the tenant longer to relocate than the notice period. As is the case currently, the tenant can then give reasonable notice of the expected relocation date to both the PHA and the owner once it is clear that the new unit has been approved, and the PHA can control check issuance to avoid any duplication. (PHAs may want to have the ability to do mid-month or pro-rata payments to avoid loss of units, but, of course, this may vary by local real estate practice.)

(b) Allowing Transition Where There May Be Loose Ends From a Prior Tenancy, but Not at a Level of Severity That Would Call Eligibility Into Question: In many cases a tenant may wish to move, or a landlord may have initiated the eviction process, and some issues have been identified with the tenancy (for example, the owner claims some rent is owed, or has alleged both fault and no-fault grounds), but it is clear that both parties wish the tenant to be successful in relocation. HUD regulations permit a PHA to deny issuing a voucher where there are outstanding issues from the tenancy that would be a sufficient basis for termination. This can force cases to be caught in limbo because of the impact of the eviction on continued subsidy and ability to secure other housing. In many cases, though, the parties may be able to part on relatively amicable terms with a reasonable relocation period (and in some cases with repayment terms if there is a modest balance owing) if the PHA is willing to be flexible and the parties are creative. Obviously PHAs have legitimate concerns about the public perception of the Section 8 program and do not want to ignore serious tenancy issues, and sometimes owner evictions also identify issues that raise independent concerns for the PHA about serious criminal activity or program integrity. However, in most instances, HUD and PHAs could do more to promote effective resolutions that provide for rapid rehousing and strengthen the credibility of the Section 8 program in the local housing community.

(c) Allowing Mid-Term Terminations by the Tenant After the First Year of the Lease for "Other Good Cause," Such as to Meet Legitimate Relocation Needs. The current regulations do not specifically authorize a Section 8 participant to terminate the lease after its initial term. Instead, they leave this to the lease that is used by the parties. However, the regulations are NOT evenhanded in this regard—even if the parties' lease is silent, the regulations do permit the owner to terminate the lease for "other good cause" at any time with a month's notice after the initial term. See 24 C.F.R. § 982.310. (The statute also provides that the owner can refuse to renew at the end of a fixed renewal term, such as upon lease anniversary, without stating any cause for such nonrenewal.) HUD should encourage Section 8 participants to exercise portability options to improve their economic prospects, to move to safer communities, to be closer to relatives to meet family needs, or to live within a proximity to needed medical care, and the time for exercising these options should not be limited to the arbitrary date of the lease anniversary which may not coincide with these needs, school calendars, employment offers, or the like. Similarly, it may be that during the course of the year, there is a reduction in family size that, as of the next annual recertification, will lead to a payment standard reduction. Rather than waiting until that date (and possible economic hardship or nonpayment eviction because a unit is unaffordable), the family should have the ability to try to relocate before the payment standard reduction takes effect. HUD should revise the regulations to provide that all Section 8 leases allow the tenant to also terminate the tenancy for "other good cause" mid-term after the first year's term. As suggested above, the parties should be free to extend the subsidy payments

if actual relocation takes longer without penalty, and should still be regarded as participants with the full range of participant protections until there is successful relocation elsewhere.

Conclusion

Thank you for the opportunity to submit these comments, and please contact Meliah Schultzman, National Housing Law Project, at (415) 546-7000 x. 3116 or mschultzman@nhlp.org if you have any questions.

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